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LEGISLATIVE HISTORY

Public Law 87-239  
H. R. 1021

TABLE OF CONTENTS

Index and summary of H. R. 1021 . . . . .1  
Digest of Public Law 87-239 . . . . .2



## INDEX AND SUMMARY OF H. R. 1021

Jan. 3, 1961	Rep. Matthews introduced H. R. 1021 which was referred to the House Agriculture Committee. Print of bill as introduced.
May 24, 1961	House subcommittee voted to report H. R. 1021 to the full committee.
July 13, 1961	House committee reported H. R. 1021 with amendments. H. Report No. 718. Print of bill and report.
Aug. 7, 1961	House passed H. R. 1021 as reported.
Aug. 8, 1961	H. R. 1021 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
Aug. 15, 1961	Senate subcommittee voted to report H. R. 1021 to the full committee.
Aug. 16, 1961	Senate committee reported H. R. 1021 without amendment. S. Report No. 749. Print of bill and report.
Sep. 7, 1961	Senate passed H. R. 1021 without amendment.
Sep. 14, 1961	Approved: Public Law 87-239.







87TH CONGRESS  
1ST SESSION

# H. R. 1021

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1961

Mr. MATTHEWS introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To extend for two years the definition of “peanuts” which is now in effect under the Agricultural Adjustment Act of 1938.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the last paragraph of the Act entitled “An Act to  
4       amend the peanut marketing quota provisions of the Agricul-  
5       tural Adjustment Act of 1938, as amended, and for other  
6       purposes”, approved August 13, 1957 (7 U.S.C., sec. 1359  
7       note), is amended by striking out “and” and by inserting  
8       after “1961” the following: “, 1962, and 1963”.

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 1021

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## A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

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By Mr. MATTHEWS

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JANUARY 3, 1961

Referred to the Committee on Agriculture





# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

## CONTENTS

Issued May 25, 1961  
For actions of May 24, 1961  
87th-1st, No. 87

Awards.....	9
Bean research.....	19
Budget.....	31
Civil service.....	28
Claims.....	12
Cotton.....	15
Depressed areas.....	13
Education.....	1, 14, 29
Farm housing loans.....	4
Farm program.....	6, 21
Food for peace.....	2, 16
Foreign agriculture.....	22
Foreign aid.....	16
Foreign trade.....	25
Housing.....	4, 11
Lands.....	4
Monopolies.....	30
Peanuts.....	3
Personnel.....	9, 24

Public Law 480.....	2
Publication.....	13
Research.....	17, 19, 23
Rice.....	7
Sugar.....	5
Surplus grain.....	27
Surplus property.....	10
Territories.....	26
Textiles.....	15
Transportation.....	3
Veterans' loans.....	4
Water pollution.....	32
Water resources.....	20
Wheat research.....	23

HIGHLIGHTS: Sen. Humphrey commended food for peace program. Rep. Schwengel criticized farm bill. Rep. May urged increases in domestic sugar quotas. House subcommittee voted to report housing bill.

## SENATE

1. EDUCATION. Continued debate on S. 1021, to authorize a program for Federal financial assistance for public education, including assistance for schools in federally impacted areas. pp. 8128-44, 8146-36, 8138-90, 8205-12
2. FOOD FOR PEACE. Sen. Humphrey reviewed recent developments in the food for peace program, commended the "remarkable strides" made by the program, and stated that "more food will be shipped to hungry millions during the calendar year 1961 than has been shipped during any other single year since the enactment of Public Law 480 in 1954." He inserted a White House release announcing the appointment of the members of the American Food for Peace Council and inserted several articles and editorials commending the program. pp. 8125-8
3. TRANSPORTATION. Sen. Williams, N. J., inserted the script of a television program discussing problems of the railroads, NEC White Paper No. 6: "Railroads: End of the Line?" pp. 8200-05
4. HOUSING. As reported by the Banking and Currency Committee, S. 1922, the omnibus housing bill, includes provisions as follows: Extends for 5 years, until June 30, 1966, the farm housing loans program which provides for loans and grants to owners of farms for the construction, improvement, alteration, repair,

or replacement of dwellings and other farm buildings, and authorizes the use of the remainder of the original authorization of \$450 million, or approximately \$200 million, of direct Treasury borrowings to be used for this program during the additional 5-year period. Extends the veterans' direct loan program for the purchase of homes in rural areas or in small cities and towns until July 25, 1965 for veterans of World War II, and until January 31, 1975 for veterans of the Korean conflict, and increases the amount of loan that a veteran may obtain from \$13,500 to \$15,000. Provides for Federal grants to assist States and local governments in preserving open-space land in and around urban areas which is essential for economic, social, conservation, recreational, or esthetic reasons.

#### HOUSE

5. SUGAR. Rep. May spoke on H. R. 7223, to extend the Sugar Act for 5 years and to establish new basic domestic quotas from which our American farmers could increase sugar production, saying "No foreign nation can be expected to lose respect for America for taking care of our own people before we turn to them for additional sugar needs." pp. 8252
6. FARM PROGRAM. Rep. Schwengel criticized the Administration farm bill and urged support for the proposed Cropland Adjustment Act of 1961, saying "To assist growers of feed grains, wheat, soybeans, and flax in adjusting production to market needs and provide for an orderly liquidation of Government surpluses, I favor a properly designed and administered program ... now pending in the form of H. R. 4267 and S. 1246." pp. 8259-61
7. RICE. The Oilseeds and Rice Subcommittee of the Agriculture Committee voted to report to the full committee with amendments, H. R. 3689, to provide for the transfer of rice acreage history where a producer withdraws from the production of rice. p. D383
8. PEANUTS. The Oilseeds and Rice Subcommittee of the Agriculture Committee voted to report to the full committee with amendments H. R. 1021, to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938 so as to exclude from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts. p. D383
9. PERSONNEL; AWARDS. Rep. O'Hara, Ill., commended Miss Marjorie Mason, Evanston, Ill., CCC Commodity Office, for receiving a Superior Service Award from this Department. p. 8213
10. SURPLUS PROPERTY. The Government Activities Subcommittee voted to report to the full committee H. R. 5294, to revise a restriction on the conveyance of surplus land for historic monument purposes. p. D383
11. HOUSING. The Housing Subcommittee of the Banking and Currency Committee voted to report to the full committee with amendments H. R. 6028, to assist in the provision of housing for moderate- and low-income families, to promote orderly urban development, to extend and amend laws, relating to housing, urban renewal and community facilities. p. D383
12. CLAIMS. The Judiciary Committee reported without amendments H. R. 6835, to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements against the U. S. (H. Rept. 428). p. 8267





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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
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## CONTENTS

Issued July 14, 1961  
For actions of July 13, 1961  
37th-1st, No. 117

Adjournment.....	14	
Agricultural programs...	12	
Appropriations.....	6,22	
Area redevelopment.....	22	
Budget.....	26	
Centennials.....	13	
Downgrading.....	13	
Farm labor.....	7	
Farm policy.....	11	
Farm program.....	16	
Flood control.....	27	
Floral emblem.....	20	
Foreign aid.....	21	
Foreign trade.....	10	
Forestry.....	15,18	
Horsemeat.....	4	
Information.....	25	
Lands.....	9	
Legislative program.....	13	
Libraries.....	25	
Livestock loans.....	1	
Money and credit.....	12	
Monopolies.....	24	
Peanuts.....	2	
Personnel.....	13	
Recreation.....	18	
Soil bank.....	23	
Strategic materials.....	10	
Tariffs.....	4	
Transportation.....	8	
Water pollution.....	5	
Water resources.....	3,19,27	
Wheat.....	17	
Wilderness.....	15	
Wildlife.....	18	

**HIGHLIGHTS:** House passed bill to continue authority for emergency livestock loans. House received President's proposed water resources bill. Senate committee voted to report bill to establish wilderness preservation system.

## HOUSE

- 1. LOANS.** Passed without amendment S. 1710, to continue the authority of the Secretary of Agriculture to make emergency livestock loans until December 31, 1961, and to continue the authority to make supplemental advances to borrowers under the program until Dec. 31, 1961. This bill will now be sent to the President. p. 11605
- 2. PEANUTS.** The Agriculture Committee reported with amendments H. R. 1021, to extend the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938 so as to continue the exclusion from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts (H. Rept. 718). p. 11632
- 3. WATER RESOURCES.** Received from the President a proposed bill "to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning"; to Interior and Insular Affairs Committee. p. 11632

4. **TARIFFS.** Agreed to the Senate amendment on H. R. 4591, to continue the suspension of duties on metal scrap. The amendment provides for the suspension of duties on imported horsemeat. This bill will now be sent to the President. pp. 11605-6
5. **WATER POLLUTION.** Agreed to the conference report on H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. pp. 11583-605
6. **APPROPRIATIONS.** Passed with amendment H. R. 7576, authorizing appropriations for the Atomic Energy Commission for 1962. This bill includes authorizations for reactor development, biology and medicine, and the cooperative power reactor demonstration program. pp. 11554-83
7. **FARM LABOR.** The Education and Labor Committee voted to report with amendment (but did not actually report) H. R. 7812, to provide for the registration of contractors of migrant agricultural workers. p. D565
8. **COMMERCE; TRANSPORTATION.** The Interstate and Foreign Commerce Committee voted to report with amendments (but did not actually report) H. R. 2429, to prohibit damage to, or destruction of, any shipment of freight or express moving in interstate or foreign commerce. p. D566
9. **PUBLIC LANDS.** The Subcommittee on Public Lands of the Interior and Insular Affairs Committee voted to report to the full committee H. R. 2925, to amend the act of March 8, 1922, to permit the sale of certain isolated tracts of public lands in Alaska. p.D566
10. **FOREIGN TRADE.** Rep. Pelly discussed U. S. foreign policy, saying "Are we so naive as to believe that agricultural commodities are not strategic materials?" pp. 11606-7
11. **FARM POLICY.** Rep. Battin inserted the 1961 platform of the Young Republican Convention, which includes a plank on agriculture. pp. 11612-4
12. **MONEY AND CREDIT.** Rep. Multer inserted an article, "History of Development of Study of Money and Credit Outlined," which includes a statement on agricultural programs. pp. 11615-31
13. **LEGISLATIVE PROGRAM.** Rep. McCormack announced the following legislative program for the week of July 17: Mon., the following bills will be considered under motions to suspend the rules, H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with the protection of basic compensation rates from the effects of downgrading actions, H. J. Res. 435, to provide for recognition of the centennial of the establishment of the Department of Agriculture, H. J. Res. 436, to provide for the recognition of the centennial of the establishment of the national system of land-grant universities and colleges, H. R. 2555, to provide for allotment and advancement of pay with respect to civilian employees of the U. S. in cases of emergency evacuations in oversea areas; also the Consent Calendar will be called; Tues., the Private Calendar will be called. p. 11587
14. **ADJOURNED** until Mon., July 17. p. 11632

## PEANUTS FOR BOILING

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JULY 13, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. COOLEY, from the Committee on Agriculture, submitted the following

## R E P O R T

[To accompany H.R. 1021]

The Committee on Agriculture, to whom was referred the bill (H.R. 1021) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out everything after the figure "1957" in line 6 and substitute the following:

(71 Stat. 344), as amended by the Act of September 22, 1959 (73 Stat. 642), is further amended by striking out "and" and by inserting after "1961" the following: ", 1962, and 1963".

### PURPOSE

The purpose of the bill is to provide a 2-year extension of the definition of "peanuts" which is now contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. Under this definition, any peanuts which are marketed, before drying or removal of moisture (either by natural or by artificial means), for consumption exclusively as boiled peanuts are excluded from the provisions of acreage allotments and marketing quotas. The present law will expire after the 1961 crop of peanuts. This bill will extend the definition through the 1962 and 1963 crops.

### NEED FOR THE BILL

Section 359(c) was originally enacted by Public Law 85-127 and later extended by Public Law 86-358. The reason for excluding boiled

peanuts from acreage allotments and marketing quotas was (and is) that in some parts of the United States immature peanuts are boiled and eaten as a green vegetable, similar to spinach or other fresh garden produce. These peanuts never enter the market in competition with salted peanuts or other forms of the product. This bill is a continuing recognition of the fact that peanuts for boiling are an entirely different commodity from other peanuts and should not be included in the programs designed to regulate the production of peanuts for conventional use.

The total exempted acreage involved is less than 3,000 acres and is primarily concentrated in 5 States: Alabama, Florida, Georgia, South Carolina, and Mississippi.

#### COST

The Department of Agriculture stated and the committee anticipates that this bill will result in no additional cost.

#### COMMITTEE AMENDMENT

The Department of Agriculture recommended a technical amendment to H.R. 1021. The committee has adopted the Department's recommendation.

#### HEARINGS

The Subcommittee on Oilseeds and Rice held hearings on this bill by Mr. Matthews on May 2, 1961. No opposition to H.R. 1021 was expressed.

#### DEPARTMENTAL POSITION

The following report from the Department of Agriculture indicates approval of the proposed legislation with a recommendation that the bill be enacted with amendment. The committee has adopted that amendment. The Department's report is as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., April 21, 1961.

HON. HAROLD D. COOLEY,  
*Chairman, Committee on Agriculture,*  
*House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of March 2, 1961, for a report on H.R. 1021, a bill to amend the Agricultural Adjustment Act of 1938, as amended, to extend for 2 years the definition of "peanuts" which is now in effect on a temporary basis and will expire with the 1961 crop of peanuts.

This Department recommends that the bill be passed with the amendment hereinafter suggested.

The act of August 13, 1957, was amended by the act of September 22, 1959. Therefore, it is suggested that the bill be amended by striking out everything after the figure "1957" in line 6 and substituting the following; "(71 Stat. 344), as amended by the Act of September 22, 1959 (73 Stat. 642), is further amended by striking out "and" and by inserting after "1961" the following: "1962, and 1963" ".

The bill provides for a 2-year extension of the definition of "peanuts" which is now contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. This definition excludes

from the provision of acreage allotments and marketing quotas any peanuts which are marketed before drying or removal of moisture, either by natural or artificial means for consumption exclusively as boiled peanuts.

The acreage planted to peanuts and utilized before drying or removal of moisture for consumption as boiled peanuts is found primarily in Alabama, Florida, Georgia, and South Carolina. The acreage of peanuts, utilized for this purpose, has not increased materially, therefore, has no material effect on the marketing of peanuts in regular commercial channels.

The enactment of this bill would not result in a need for additional appropriations.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

#### PUBLIC LAW 85-127, AS AMENDED

AN ACT To amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 359(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359(c)), be amended to read as follows:

“(c) The word ‘peanuts’ for the purposes of this Act shall mean all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm, or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts.”

This amendment shall be effective for the 1957, 1958, 1959, 1960, [and] 1961, 1962, and 1963 crops of peanuts.



87TH CONGRESS  
1ST SESSION

# H. R. 1021

[Report No. 718]

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1961

Mr. MATTHEWS introduced the following bill; which was referred to the Committee on Agriculture

JULY 13, 1961

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

---

## A BILL

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3       That the last paragraph of the Act entitled "An Act to  
4       amend the peanut marketing quota provisions of the Agricul-  
5       tural Adjustment Act of 1938, as amended, and for other  
6       purposes", approved August 13, 1957 (~~7 U.S.C., sec. 1359~~  
7 ~~note~~), is amended by striking out "and" and by inserting  
8 after "~~1961~~" the following: "*“, 1962, and 1963”* (*71 Stat.*  
9 *344*), as amended by the Act of September 22, 1959 (*73*  
10 *Stat. 642*), is further amended by striking out "and" and  
11 by inserting after "~~1961~~" the following: "*“, 1962, and*  
12 *1963”*.

87TH CONGRESS  
1ST SESSION

**H. R. 1021**

[Report No. 718]

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**A BILL**

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Issued August 8, 1961  
For actions of August 7, 1961  
87th-1st, No. 134

## CONTENTS

Appropriations.....	5,16	
Audit report.....	20	
CCC appraisals.....	3	
Civil defense.....	23	
Common Market.....	14	
Conservation.....	15,18	
Disaster relief.....	40	
Durum wheat.....	12	
Ethics.....	9,34	
Expenditures.....	26	
Farm lands.....	32	
Farm program.....	39	
Foreign aid.....	10,19,28	
Forestry.....	13,17,36	
Grants-in-aid.....	35	
Lands.....	6,32,38	
Libraries.....	8	
Livestock feed.....	40	
Manpower resources.....	24	
National flower.....	29	
Natural resources.....	15,27	
Peace Corps.....	31	
Peanuts.....	2	
Personnel.....	9,11	
Pesticides.....	30	
Postal rates.....	21	
Property.....	20,25	
Research.....	17,36	
Soil conservation.....	33	
Sugar.....	37	
Supplies.....	20	
Surplus grain.....	4	
Tobacco.....	1	
Transportation.....	22	
Virgin Islands.....	7	
Wetlands.....	33	
Wheat.....	12	
Wildlife.....	4	
Youth Corps.....	15,18	

**HIGHLIGHTS:** House passed bills to: Provide for lease and transfer of tobacco acreage allotments. Authorize use of CCC surplus grain for feeding wildlife. Authorize annual appropriations to reimburse CCC for net realized losses. House committee reported (Aug. 4) foreign aid authorization bill. House subcommittee voted to report bill to continue exemption of durum wheat in Tulalake area, Calif., from allotments and quotas. Both Houses agreed to conference report on independent offices appropriation bill. Sen. Bartlett urged additional funds for forest research. Rep. McIntire introduced and discussed forestry research program bill. President approved farm bill today, Aug. 8.

## HOUSE

- 1. TOBACCO.** Passed as reported H. R. 1022, to provide for lease and transfer of tobacco acreage allotments. This bill includes the following limitations: (1) Both farmers involved must be in the same county and the lease must be filed with, and approved by, the county committee. (2) If the normal yield for the farm to which the allotment is being transferred exceeds the normal yield of the farm from which the transfer is being made by more than 10 percent, the transferred allotment will be adjusted downward in the same ratio as the difference in yields. (3) Not more than 5 acres of allotment may be leased and transferred to any farm. (4) Only farms already having tobacco allotments for the same kind of tobacco are eligible to lease allotments. (5) The acreage is considered as having been produced on the farm from which the allotment is transferred for purposes of future allotments and referendum voting rights. pp. 13719-20

2. PEANUTS. Passed as reported H. R. 1021, to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938 so as to exclude from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts. p. 13706
3. CCC APPRAISALS. Passed without amendment S. 763, to authorize annual appropriations to reimburse CCC for net realized losses sustained during any fiscal year in lieu of annual appropriations to restore capital impairment based on annual Treasury appraisals, and to provide for the amount of net gain or loss realized by CCC to be determined from the Corporation's financial statement as of the end of each fiscal year instead of requiring the Secretary of the Treasury to make an annual independent appraisal of the Corporation's assets and liabilities for the purpose of determining the net worth of the Corporation. This bill will now be sent to the President. p. 13721
4. SURPLUS GRAIN; WILDLIFE. Passed without amendment S. 614, to authorize the use of Commodity Credit Corporation owned surplus grains by the States for emergency use in the feeding of resident game birds and other resident wildlife. This bill will now be sent to the President. p. 13710
5. APPROPRIATIONS. Conferees were appointed on H. R. 7851, the Defense Department appropriation bill. Senate conferees have already been appointed. p. 13694
6. PUBLIC LANDS. Passed as reported H. R. 2925, to amend the act of March 8, 1922, so as to permit the sales of certain isolated tracts of public lands in Alaska. p. 13711
7. VIRGIN ISLANDS. Passed without amendment H. R. 7666, pertaining to the salary of the government comptroller of the Virgin Islands. p. 13707
8. LIBRARIES. At the request of Rep. Pelly, passed over without prejudice H. R. 8141, to revise the laws relating to depository libraries. p. 13716
9. ETHICS. Passed as reported H. R. 8140, to strengthen the criminal laws relating to bribery, graft, and conflicts of interest. pp. 13737-45
10. FOREIGN AID. The Foreign Affairs Committee reported without amendment (on Aug. 4) H. R. 8400, the foreign aid authorization bill (H. Rept. 851). p. 13772  
Rep. Brademas inserted a letter signed by 30 representatives supporting H. R. 8400, the foreign aid authorization bill. p. 13749
11. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 7021, to revise legislation authorizing Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the U. S. (H. Rept. 856), and H. R. 1010, to provide for at least a two-step increase when an employee is promoted from one grade to another (H. Rept. 859). p. 13772
12. WHEAT. The Subcommittee on Wheat of the Agriculture Committee voted to report to the full committee with amendments S. 1107, to provide for an extension of the existing provision for a minimum durum wheat acreage allotment in the Tulalake area of California. p. D673
13. FORESTRY. The Interstate and Foreign Commerce Committee submitted a report, "World Newsprint Supply--Demand Outlook Through 1963" (H. Rept. 854). p. 13772

Mr. RIVERS of South Carolina. Certainly I will.

Mr. FORD. The gentleman will hold fast with this?

Mr. RIVERS of South Carolina. Of course I will. I would not go back on what I say.

Mr. KILDAY. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I was not a member of the subcommittee which reported this bill. However, in the last Congress I was the author of an identical bill. I offered it at that time because last year I was a member of the Board of Visitors to the U.S. Military Academy. I agree thoroughly that those who accept appointment to the service academies should serve an adequate period of time, and in accordance with their agreement, in all fairness and justice, the Government should get from these men trained at Government expense, an adequate amount of service.

Of course, when you start extending this period of service too long, you are not doing anything for the benefit of the Government. It is something like adverse selection in actuarial work—the longer you make it and the more onerous you make it and the longer time you hold a man when he does not want to stay, the more you are militating against the welfare of the United States. A reasonable period of time should be exacted.

As a matter of fact, you ought not to have to exact from the man who should have never been sent to the Academy in the first place, because if he were not career motivated, he certainly should not, in all honesty and fairness and good faith, have accepted the appointment. There are occasions when circumstances arise subsequent to the acceptance of the appointment which justify a man's release at an earlier date. At the present time, this control, as I recall it, although I have not reviewed the record this year, my recollection is that this is controlled by regulation as to the length of time they shall serve. I would certainly prefer to see it left as it is now, and in those instances in which it is necessary to retain the man longer, that a longer period be imposed by the Government. But let us not make this so rigid that you are not going to be able to get the best men available in the United States. If you are going to say to young men about to enter college that if he signs up under the conditions proposed, that means 11 years of his life that he is going to be bound—4 years at the Academy and 7 years beyond that or in the substitute—a total of 9 years. To some of us, of course, 9 and 11 years seems to be a rather short period of time because time has been running on us for some good while—but when it comes to a youngster, 18 or 19 years of age, if you tell him, once you accept this you are bound for 9 years or you are bound for 11 years, you are very likely not going to get the fellow who can be choosey—you will be able to get the fellow, of course, who cannot be choosey and for whom this may be his only chance.

Mr. Speaker, I would trust that this provision be left as it is.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. ARENDS. Mr. Speaker, I was going to express the hope that the gentleman from Texas might see his way clear to accept the 5-year compromise because, I think, maybe we could work it out on that basis. Furthermore, I think what he just said goes right to the point. I think someone else has an obligation in respect to these boys who go to the Academy besides the boys and that is those who name them, that is, the man who appoints a person to the Academy.

Mr. KILDAY. The gentleman is correct.

Mr. ARENDS. Personally, I ask every single one of my applicants whether they are going to make this a life career or not.

Mr. KILDAY. The applicant commits himself to me in writing that it is his intention to make the military his career.

Mr. ARENDS. We have a responsibility in selecting these boys and getting the best qualified men.

Mr. KILDAY. With reference to the question about getting the conferees to agree to retain the 5-year requirement, because of the exigencies of the situation, it could likely be that I would neither be here at the time the conferees are appointed nor at the time they meet. Therefore, I cannot make such a commitment. However, I would certainly hope that this requirement would not apply. I think it is wiser if the Congress would reject both amendments.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the amendment offered by the gentleman from Wisconsin [Mr. LAIRD] to the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS], as amended.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GRANTING 81 ACRES OF PUBLIC DOMAIN TO THE COCOPAH INDIANS IN ARIZONA

The Clerk called the bill (S. 54) to grant 81 acres of public domain to the Cocopah Indians in Arizona.

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all of the right, title, and interest in the following described public domain are hereby declared to be held by the United States in trust for the Cocopah Indians in Arizona, subject to any valid existing rights heretofore initiated under the public land laws: lots 14 and 15, section 30, township 9 south, range 24 west; and lots 3, 4, and 5, section 25, township 9

south, range 25 west, Gila and Salt River meridian, Arizona, containing 81.64 acres.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FORT HALL INDIAN IRRIGATION PROJECT

The Clerk called the bill (H.R. 3531) to supplement and amend the act of June 30, 1948, relating to the Fort Hall Indian irrigation project, and to approve an order of the Secretary of the Interior issued under the act of June 22, 1936.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the bill (S. 1294) to supplement and amend the act of June 30, 1948, relating to the Fort Hall Indian irrigation project, and to approve an order of the Secretary of the Interior issued under the act of June 22, 1936, be considered in lieu of the House bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the order of the Secretary of the Interior dated May 12, 1960, which provides for the elimination from the Fort Hall Indian irrigation project of four hundred sixty-eight and twenty one-hundreds acres and one hundred twenty-nine and thirty-seven one-hundredths acres of land, and which provides for the cancellation of penalty charges against the eliminated land, which order was made pursuant to the Act of June 22, 1936 (49 Stat. 1803), is hereby approved, and the lands when eliminated shall not thereafter be entitled to water from the project.

SEC. 2. Section 4 of the Act of June 30, 1948 (62 Stat. 1167), is hereby amended to read as follows:

"Sec. 4. The net irrigable area of the Fort Hall Indian irrigation project is hereby established at forty-seven thousand sixty-four and sixty-three one-hundreds acres, more or less, and the Secretary of the Interior is authorized to redesignate the project within the limit of the acreage authorized by this Act. The noninclusion of the Fort Hall townsite within the net irrigable area of the project shall not prevent the obtaining of water rights therefor in accordance with the Act of March 1, 1907 (34 Stat. 1015, 1025), as amended or supplemented."

SEC. 3. Section 2 of the Act of June 30, 1948 (62 Stat. 1167), is amended to read as follows:

"Sec. 2. The duty of water on the Fort Hall Indian irrigation project until modified by the Secretary of the Interior shall be three and five-tenth acre-feet per acre per annum if available, and available excess water may be furnished for use on project lands on terms, conditions, and rates prescribed by the Secretary."

Mr. HALEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALEY: On page 2, lines 21 and 22, strike out "until modified by the Secretary of the Interior".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H.R. 3531) were laid on the table.

#### CONFEDERATED TRIBES, WARM SPRINGS RESERVATION, OREG.

The Clerk called the bill (H.R. 5235) to authorize the Confederated Tribes of the Warm Springs Reservation of Oregon to acquire land within the boundaries of their reservation.

There being no objection the Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any general statutory prohibition against the use of tribal funds to acquire land in Oregon if the acquisition would exempt the land from local taxation, the Secretary of the Interior is authorized to purchase with funds made available by the Confederated Tribes of the Warm Springs Reservation of Oregon any land or interests in land within the boundaries of their reservation, and to take title to the land or interests acquired in the name of the United States in trust for the tribes. Any such purchase under an installment purchase contract shall not be regarded as an encumbrance or mortgage within the meaning of the tribal constitution, charter, and bylaws.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PEANUTS FOR BOILING

The Clerk called the bill (H.R. 1021) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

There being no objection the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957 (7 U.S.C., sec. 1359 note), is amended by striking out "and" and by inserting after "1961" the following: ", 1962, and 1963".*

With the following committee amendment:

Strike out everything after the figure "1957" in line 6 and substitute the following: "(71 Stat. 344), as amended by the Act of September 22, 1959 (73 Stat. 642), is further amended by striking out 'and' and by inserting after '1961' the following: ', 1962, and 1963'."

The committee amendment was agreed to.

Mr. MATTHEWS. Mr. Speaker, I wish to express my deep appreciation to the chairman and the members of our House Committee on Agriculture for bringing to the floor my bill, H.R. 1021, to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

This bill will provide a 2-year extension of the definition of "peanuts"

which is now contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. Under this definition, any peanuts which are marketed, before drying or removal of moisture—either by natural or by artificial means—for consumption exclusively as boiled peanuts are excluded from the provisions of acreage allotments and marketing quotas. The present law will expire after the 1961 crop of peanuts. This bill will extend the definition through the 1962 and 1963 crops.

The reason for excluding peanuts from acreage allotments and marketing quotas is because in some parts of the United States, and especially in my own part of the country, immature peanuts are boiled and eaten as a green vegetable, similar to spinach or other fresh garden produce. These peanuts never enter the market in competition with salted peanuts or other forms of the product. This bill is a continuing recognition of the fact that peanuts from boiling are an entirely different commodity from other peanuts and should not be included in the programs designed to regulate the production of peanuts for conventional use.

The total exempted acreage involved is less than 3,000 acres and is primarily concentrated in five States: Alabama, Florida, Georgia, South Carolina, and Mississippi. Several small plants in Florida are now canning boiled peanuts and putting them on the market. This represents the development of a new industry, and it should be emphasized again that this is not in conflict with the other uses of peanuts which come under acreage allotments and marketing quotas.

I think it would be of interest to also point out that many small farmers are interested in planting peanuts for boiling purposes. In my section of the country, many youths of school age are able to supplement family income by selling boiled peanuts at various community gatherings.

I plead for the passage of H.R. 1021.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PARIS CONVENTION ON PATENTS AND TRADEMARKS

The Clerk called the bill (H.R. 5754) to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958.

There being no objection the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents", is amended by adding the following paragraph thereto:*

*"In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in a foreign country, instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn,*

*abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority."*

SEC. 2. Section 44(d) of the Act approved July 5, 1946, Public Law 489, Seventy-ninth Congress, chapter 540 (60 Stat. 427; 15 U.S.C. 1126 (d)), is amended by adding the following paragraph thereto:

*"In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequently regularly filed application in a foreign country, instead of the first filed foreign application: Provided, That any foreign application filed prior to such subsequent application has been withdrawn abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority."*

SEC. 3. This Act shall take effect on the date when the Convention of Paris for the Protection of Industrial Property of March 20, 1883, as revised at Lisbon, October 31, 1958, comes into force with respect to the United States and shall apply only to applications thereafter filed by persons entitled to the benefit of said convention, as revised.

With the following committee amendment:

Page 1, line 9, and page 2, line 12, strike out "a foreign country" and insert in lieu thereof "the same foreign country".

Page 2, line 24, after "filed" add "in the United States".

Page 2, line 25, after "revised" add "at the time of such filing".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MEMBERSHIP OF DISTRICT JUDGES ON JUDICIAL COUNCILS

The Clerk called the bill (H.R. 6690) to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit.

There being no objection the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first paragraph of section 332 of title 28 of the United States Code is amended to read as follows:*

*"The chief judge of each circuit shall call, at least twice in each year and at such places as he may designate, a council at which he shall preside consisting of (1) the circuit judges for the circuit in regular active service, (2) the district judge in regular active service from such circuit selected as provided in section 331 of this title to serve as a member of the Judicial Conference of the United States, and (3) in any circuit having five or more circuit judges in regular active service, an additional district judge in regular active service who shall be chosen for a three-year term by the district judges in regular active service of the circuit at the next annual judicial conference of the circuit held after the conference at which the district judge in regular active service is selected to serve as a member of the Judicial Conference of the United States and, excepting in the District of Columbia circuit, such additional district judge shall be from a dif-*





# H. R. 1021

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IN THE SENATE OF THE UNITED STATES

AUGUST 8, 1961

Read twice and referred to the Committee on Agriculture and Forestry

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## AN ACT

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the last paragraph of the Act entitled "An Act to  
4       amend the peanut marketing quota provisions of the Agricul-  
5       tural Adjustment Act of 1938, as amended, and for other  
6       purposes", approved August 13, 1957 (71 Stat. 344), as  
7       amended by the Act of September 22, 1959 (73 Stat. 642),  
8       is further amended by striking out "and" and by inserting  
9       after "1961" the following: ", 1962, and 1963".

Passed the House of Representatives August 7, 1961.

Attest:

RALPH R. ROBERTS,

*Clerk.*

87TH CONGRESS  
1ST Session

# H. R. 1021

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## AN ACT

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To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

---

AUGUST 8, 1961

Read twice and referred to the Committee on  
Agriculture and Forestry





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
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or cited)

### CONTENTS

Issued August 16, 1961  
For actions of August 15, 1961  
87th-1st, No. 140

Appropriations.....1,32		
Atomic energy.....17		
Botanic garden.....6		
Civil defense.....4		
Consumers.....15		
Development loans.....10		
Easements.....7		
Education.....13,29		
Foreign affairs.....25		
Foreign aid.....2,10,19		
Foreign trade.....12,23		
Forestry.....16		
4-H Clubs.....20		
Housing.....27		
Lands.....22		
Manpower.....24		
Monopolies.....30		
Ocean freight.....30		
Peanuts.....8,26		
Perishable commodities...8		
Personal.....33		
Reclamation.....28		
Recreation.....16		
Reorganization.....4		
Saline water.....3		
Tobacco.....9		
Transportation.....5		
TVA rates.....21		
Water resources.....18		
Watersheds.....11		
Wool.....14		
Youth employment.....31		

HIGHLIGHTS: Senate debated foreign aid authorization bill. House debated foreign aid authorization bill. Senate subcommittee tentatively approved bill for transfer of tobacco acreage allotments. Both Houses agreed to conference report on Treasury-Post Office appropriation bill. House committee reported bill to extend saline water conversion program.

### HOUSE

1. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 5954, the Treasury-Post Office appropriation bill for 1962. This bill will now be sent to the President. pp. 14736-7, 14839-41  
Rep. Laird inserted letters from the President and HEW Secretary Ribicoff in connection with his objection to sending H. R. 7035, the Labor-Health, Education, and Welfare appropriation bill, to conference. pp. 14800-2
2. FOREIGN AID. Continued debate on H. R. 8400, the foreign aid authorization bill. pp. 14737-80, 14789-93, 14798-800
3. SALINE WATER. The Interior and Insular Affairs Committee reported with amendments H. R. 7916, to expand and extend the saline water conversion program being conducted by the Secretary of the Interior (H. Rept. 908). p. 14803
4. CIVIL DEFENSE. The Armed Services Committee reported without amendment H. R. 8383, to amend the Federal Civil Defense Act of 1950 to ratify retroactive financial contributions made to States (H. Rept. 924), and H. R. 8406, to change

the name of the Office of Civil and Defense Mobilization to the Office of Emergency Planning (H. Rept. 926). p. 14804

5. TRANSPORTATION The Merchant Marine and Fisheries Committee reported with amendment H. R. 6732, to amend the Merchant Marine Act, 1936, to encourage the construction and maintenance of American-flag vessels built in American shipyards (H. Rept. 922). p. 14804
6. BOTANIC GARDEN. The Agriculture Committee reported without amendment H. R. 5628, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden (H. Rept. 940). p. 14804
7. EASEMENTS. The Public Works Committee voted to report (but did not actually report) with amendments H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. p. D713

#### SENATE

8. ~~PERISHABLE COMMODITIES~~; PEANUTS. The Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Agriculture Committee voted to report to the full committee S. 1037, with amendment, to amend the ~~Perishable Agricultural Commodities Act~~ regarding fees, oral hearings, and relicensing ~~of persons under the Act, and~~ H. R. 1021, to extend for 2 years the definition of peanuts which is now in effect under the Agricultural Adjustment Act of 1938 so as to exclude from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts. p. D709
9. TOBACCO. The "Daily Digest" states that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Agriculture Committee "gave tentative approval to H. R. 1022, providing for lease and transfer of tobacco acreage allotments." p. D709
10. FOREIGN AID. Continued debate on S. 1983, the foreign aid authorization bill (pp. 14819-36, 14839, 14841-54, 14859). By a vote of 63 to 34, agreed to an amendment by Sen. Hickenlooper, as modified by a substitute amendment by Sen. Dirksen, to provide that development loans in excess of \$5,000,000 may not be made unless thirty days earlier a full report on the proposed loan is made to the Committees on Foreign Relations and Foreign Affairs of the Senate and House and the Committees on Appropriations of both Houses, and to provide that any of these committees may report a concurrent resolution to disapprove any such proposed loan. The substitute amendment by Sen. Dirksen was agreed to earlier by a vote of 52 to 44. The Hickenlooper amendment would have required the President to submit to Congress annually a budget program for foreign aid to be approved by affirmative action of Congress. (pp. 14821-35) Rejected an amendment by Sen. Lausche to reduce the authorization for the development loan fund from \$1,187 million to \$900 million for fiscal year 1962 and from \$1,900 million to \$1,600 million for each of the next 4 fiscal years (pp. 14851-3).
11. WATERSHEDS. Received from the Budget Bureau plans for works of improvements on the following watersheds: p. 14807  
Sarasota west coast, Fla., Little Satilla Creek, Ga., Davids Creek, Davis-Battle Creek, and Ryan-Henschal, Iowa, Silver Creek, Kans., East Fork of Pond River, Ky., Tallahalla Creek, Miss., Souhegan River, N. H. and Mass., Ahoskie Creek, N. C., Cane Creek, Okla., Dunlap Creek, Pa., and West Fork Kickapoo, Wisc.; to Agriculture and Forestry Committee.





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
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### CONTENTS

Issued August 17, 1961  
For actions of August 16, 1961  
87th-1st, No. 141

ASC committees.....	12	
Bids.....	13	
Cotton imports.....	20	
Development loans.....	3,9	
Disaster relief.....	4	
Education.....	7,10,19	
Farm credit.....	1	
Farm labor.....	6,17	
Foreign aid.....	3,9,15	
Foreign trade.....	8,22	
Hog cholera.....	1	
Income tax.....	23	
Information.....	13	
Peace Corps.....	16	
Peanuts.....	1	
Perishable commodities...	1	
Personnel.....	12,18,21,23	
Retirement.....	12,21	
Tobacco.....	2	
Training.....	12	
USDA employment.....	18	
Watersheds.....	5,14	
Water compacts.....	11	

HIGHLIGHTS: Senate committee reported bill to establish national hog cholera eradication program. Senate committee voted to report bill for lease and transfer of tobacco acreage allotments. Senate debated foreign aid authorization bill. House debated foreign aid authorization bill.

### SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 14871  
S. 1908, without amendment, directing the Secretary of Agriculture to initiate a national hog cholera eradication program in cooperation with the States (S. Rept. 748).  
S. 1037, with amendment, to amend the Perishable Agricultural Commodities Act regarding fees, oral hearings, and relicensing of persons under the Act (S. Rept 750).  
H. R. 1021, without amendment, to extend for 2 years the definition of peanuts which is now in effect under the Agricultural Adjustment Act of 1938 so as to exclude from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts (S. Rept. 749).  
S. 1927, with amendment, to clarify and simplify the lending operations of institutions regulated by the Farm Credit Administration (S. Rept. 747).
2. TOBACCO. The Agriculture and Forestry Committee voted to report (but did not actually report) with amendment H. R. 1022, to provide for the lease and transfer of tobacco acreage allotments. p. D716

3. FOREIGN AID. Continued debate on S. 1983, the foreign aid authorization bill (pp. 14895-935, 14937-40). By a vote of 51 to 43, agreed to an amendment by Sen. Ellender to reduce from \$1,900 million to \$1,700 million the authorization for development loans for each of the fiscal years 1963 through 1966 (pp. 14914-7). Agreed to a unanimous consent agreement providing that beginning Thurs., Aug. 17, further debate will be limited to 1 hour on any amendment and to 6 hours on final passage of the bill (p. 14934).

Sen. Humphrey submitted an amendment intended to be proposed to the bill to provide that in the administration of technical assistance, the Administrator shall "utilize to the fullest extent practicable, the facilities and resources of the Federal agency or agencies with primary responsibilities for domestic programs in such field." p. 14872

4. DISASTER RELIEF. The Public Works Committee reported without amendment S. 1742, to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters (S. Rept. 758). p. 14943

5. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Big Creek, Ark., Ulati Creek, Calif., South Branch, Park River, Conn., Frog Creek, Kans., Humphrey-Clanton Creek, Ky., South Branch Cass River, Mich., Plum Creek, Nebr., Upper Red Rock Creek, Okla., and Houser Creek, Tenn. p. D716

6. FARM LABOR. Sen. Morse inserted resolutions adopted by the American Baptist Convention, including a resolution favoring Federal aid to improve conditions for migratory farm workers. pp. 14868-71

7. EDUCATION. Sen. McNamara submitted an amendment he intends to propose to provide for a 2-year extension of Federal assistance for schools in federally impacted areas. p. 14872

8. FOREIGN TRADE. Sen. Proxmire expressed concern over the "Soviet economic offensive," stated that the "Soviet trade challenge looms as a significant factor in the shaping of our foreign policy toward many sensitive areas of the world," and inserted several items relating to U. S. and Soviet trade with other nations. pp. 14880-92

#### HOUSE

9. FOREIGN AID. Continued debate on H. R. 8400, the foreign aid authorization bill (pp. 14945-15005). By a vote of 197 to 185, agreed to an amendment by Rep. Morgan, as modified by a substitute amendment by Rep. Saund, to strike out the provision authorizing development loans over a 5-year period to be financed by Treasury borrowings, and to authorize instead appropriations of \$1,200,000,000 for the fiscal year 1962 for development loans, to be available until expended (pp. 14991-15005).

10. EDUCATIONAL EXCHANGES. Rep. Hays discussed his bill H. R. 8666, to provide for educational and cultural exchanges, saying, "The proposals contained in this bill are a necessary first step toward improvement in a vital area of our international affairs." pp. 15005-6

11. WATER COMPACTS. The Interior and Insular Affairs Committee reported without amendment S. 2245, to extend the time for negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota (H. Rept. 952). p. 15015

EXEMPTION OF PEANUTS FOR BOILING FROM  
MARKETING QUOTAS

AUGUST 16, 1961.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Agriculture and Forestry,  
submitted the following

R E P O R T

[To accompany H.R. 1021]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 1021) to extend for 2 years the definition of “peanuts” which is now in effect under the Agricultural Adjustment Act of 1938, having considered the same, report thereon with a recommendation that it do pass without amendment.

The bill would extend for 2 more years the exemption from acreage allotments and marketing quotas of peanuts used for boiling. Such peanuts are used exclusively for consumption as boiled peanuts and do not enter the market in competition with salted peanuts or other peanut products. Experience under the exemption during the past 5 years has shown that it does not adversely affect the price support and supply adjustment program for peanuts.

A copy of the House Agriculture Committee report, which includes a favorable report from the Department of Agriculture, is attached hereto. The Department suggested a technical amendment to the bill and the amendment was adopted by the House.

[H. Rept. 718, 87th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H.R. 1021) to extend for 2 years the definition of “peanuts” which is now in effect under the Agricultural Adjustment Act of 1938, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out everything after the figure “1957” in line 6 and substitute the following: “(71 Stat. 344), as amended by

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Passed the House of Representatives August 7, 1961.

Attest: RALPH R. ROBERTS,

Clerk.

## 2 EXEMPT PEANUTS FOR BOILING FROM MARKETING QUOTAS

the Act of September 22, 1959 (73 Stat. 642), is further amended by striking out 'and' and by inserting after '1961' the following: ', 1962, and 1963'."

### PURPOSE

The purpose of the bill is to provide a 2-year extension of the definition of "peanuts" which is now contained in section 359(e) of the Agricultural Adjustment Act of 1938, as amended. Under this definition, any peanuts which are marketed, before drying or removal of moisture (either by natural or by artificial means), for consumption exclusively as boiled peanuts are excluded from the provisions of acreage allotments and marketing quotas. The present law will expire after the 1961 crop of peanuts. This bill will extend the definition through the 1962 and 1963 crops.

### NEED FOR THE BILL

Section 359(e) was originally enacted by Public Law 85-127 and later extended by Public Law 86-358. The reason for excluding boiled peanuts from acreage allotments and marketing quotas was (and is) that in some parts of the United States immature peanuts are boiled and eaten as a green vegetable, similar to spinach or other fresh garden produce. These peanuts never enter the market in competition with salted peanuts or other forms of the product. This bill is a continuing recognition of the fact that peanuts for boiling are an entirely different commodity from other peanuts and should not be included in the programs designed to regulate the production of peanuts for conventional use.

The total exempted acreage involved is less than 3,000 acres and is primarily concentrated in five States: Alabama, Florida, Georgia, South Carolina, and Mississippi.

### COST

The Department of Agriculture stated and the committee anticipates that this bill will result in no additional cost.

### COMMITTEE AMENDMENT

The Department of Agriculture recommended a technical amendment to H.R. 1021. The committee has adopted the Department's recommendation.

### HEARINGS

The Subcommittee on Oilseeds and Rice held hearings on this bill by Mr. Matthews on May 2, 1961. No opposition to H.R. 1021 was expressed.

## DEPARTMENTAL POSITION

The following report from the Department of Agriculture indicates approval of the proposed legislation with a recommendation that the bill be enacted with amendment. The committee has adopted that amendment. The Department's report is as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., April 21, 1961.

HON. HAROLD D. COOLEY,  
*Chairman, Committee on Agriculture,*  
*House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of March 2, 1961, for a report on H.R. 1021, a bill to amend the Agricultural Adjustment Act of 1938, as amended, to extend for 2 years the definition of "peanuts" which is now in effect on a temporary basis and will expire with the 1961 crop of peanuts.

This Department recommends that the bill be passed with the amendment hereinafter suggested.

The act of August 13, 1957, was amended by the act of September 22, 1959. Therefore, it is suggested that the bill be amended by striking out everything after the figure "1957" in line 6 and substituting the following; "(71 Stat. 344), as amended by the Act of September 22, 1959 (73 Stat. 642), is further amended by striking out "and" and by inserting after "1961" the following: ", 1962, and 1963" ".

The bill provides for a 2-year extension of the definition of "peanuts" which is now contained in section 359(c) of the Agricultural Adjustment Act of 1938, as amended. This definition excludes from the provision of acreage allotments and marketing quotas any peanuts which are marketed before drying or removal of moisture, either by natural or artificial means for consumption exclusively as boiled peanuts.

The acreage planted to peanuts and utilized before drying or removal of moisture for consumption as boiled peanuts is found primarily in Alabama, Florida, Georgia, and South Carolina. The acreage of peanuts, utilized for this purpose, has not increased materially, therefore, has no material effect on the marketing of peanuts in regular commercial channels.

The enactment of this bill would not result in a need for additional appropriations.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

## CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## PUBLIC LAW 85-127, AS AMENDED

AN ACT To amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 359(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1359(c)), be amended to read as follows:

“(c) The word ‘peanuts’ for the purposes of this Act shall mean all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm, or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts.”

This amendment shall be effective for the 1957, 1958, 1959, 1960, [and] 1961, 1962, and 1963 crops of peanuts.



Calendar No. 725

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1021

[Report No. 749]

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IN THE SENATE OF THE UNITED STATES

AUGUST 8, 1961

Read twice and referred to the Committee on Agriculture and Forestry

AUGUST 16, 1961

Reported by Mr. JOHNSTON, without amendment

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## AN ACT

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the last paragraph of the Act entitled "An Act to  
4       amend the peanut marketing quota provisions of the Agricul-  
5       tural Adjustment Act of 1938, as amended, and for other  
6       purposes", approved August 13, 1957 (71 Stat. 344), as  
7       amended by the Act of September 22, 1959 (73 Stat. 642),  
8       is further amended by striking out "and" and by inserting  
9       after "1961" the following: " , 1962, and 1963".

Passed the House of Representatives August 7, 1961.

Attest:

RALPH R. ROBERTS,

*Clerk.*

87TH CONGRESS  
1ST SESSION

# H. R. 1021

[Report No. 749]

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## AN ACT

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To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

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AUGUST 8, 1961

Read twice and referred to the Committee on  
Agriculture and Forestry

AUGUST 16, 1961

Reported without amendment





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
should not be quoted  
or cited),

Issued September 8, 1961  
For actions of September 7, 1961  
87th-1st, No. 156

### CONTENTS

Acreage allotments.....	37
Adjournment.....	26, 35
Appropriations.....	13, 25, 38
Atomic energy.....	25
Buildings.....	34
Civil defense.....	3
Centennial.....	39
Conservation.....	15
Cultural exchanges.....	6
Downgrading.....	2
Electrification.....	24, 28
Employment.....	2
Expenditures.....	30
Export control.....	21
Farm program.....	5, 27
Food and drug.....	33
Foreign aid.....	4, 30
Foreign trade.....	21
Forestry.....	10
Hog cholera.....	36
Housing.....	11
Labeling.....	21
Lands.....	31
Legislative program.....	12, 25
Minerals.....	9
Motor vehicles.....	2
Peace Corps.....	23, 25
Peanuts.....	1
Personnel.....	2, 11, 20, 34
Postal rates.....	19
Prices.....	32
Reclamation.....	8
Retirement.....	11
Rice.....	14
Small business.....	7
Steamship conferences.....	11
Sugar.....	29
Summer fallow.....	15
Supergrades.....	17
Tobacco.....	37
Trade statistics.....	21
Transportation.....	22
Waterfowl.....	18
Wheat.....	16
Wilderness.....	10

**HIGHLIGHTS:** House committee reported bills to permit wheat producers to withdraw from stored excess and to permit farms on which summer fallow is practiced to participate in feed grains program. House committee voted to report bill to increase number of supergrade positions. Sens. Humphrey and Proxmire criticized Gov. Rockefeller's farm policy statements. House received conference report on Labor-HEW appropriation bill.

### SENATE

- 1. PEANUTS.** Passed without amendment H. R. 1021, to extend for 2 years the definition of peanuts which is now in effect under the Agricultural Adjustment Act of 1938 so as to exclude from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts. This bill will now be sent to the President. p. 17334
- 2. PERSONNEL.** Passed with amendments H. R. 2883, to provide for the defense of suits by the Government against Federal employees arising out of their operation of motor vehicles in the scope of their employment (pp. 17339, 17349-51). Agreed to an amendment by Sen. Keating which he stated "would not require the plaintiff's consent to removal of suits against individual employees, but it would require the Attorney General -- as a condition of removal -- to certify that the employee was acting within the scope of his employment at the time of the incident out of which the suit arose" (pp. 17349-51).  
Passed without amendment H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with

the protection of basic compensation rates from the effects of downgrading actions. This bill will now be sent to the President. p. 17305

Passed as reported S. 502, to authorize the employment of retired Federal employees by the D. C. Board of Education and authorize the employment of retired employees by the D. C. Board of Education by the Federal Government. p. 17305

Received from the Joint Committee on Reduction of Nonessential Federal Expenditures a report on Federal employment and pay for July 1961. pp. 17289-92

Sen. Bennett inserted a newspaper editorial "expressing dismay with the continual expansion of Federal activities in the American life, and a continued growth of the Federal payroll." p. 17385

3. CIVIL DEFENSE. Passed without amendment H. R. 8406, to change the name of the Office of Civil and Defense Mobilization to the Office of Emergency Planning. This bill will now be sent to the President. p. 17303
4. FOREIGN AID. Passed as reported S. 2423, to provide for the appointment of a U. S. representative to the Organization for Economic Cooperation and Development. p. 17309
5. FARM PROGRAM. Sen. Proxmire deplored N. Y. Gov. Rockefeller's criticism of Secretary Freeman for supporting legislation to provide for national milk sanitation standards and stated that "Consumers will be bitterly disappointed that a figure of Governor Rockefeller's reputation should attack the interest of the Nation's consumers on behalf of the short-run economic interest of part of the New York State dairy industry." p. 17296  
Sen. Humphrey criticized Gov. Rockefeller's statement and defended proposed legislation to provide for the establishment of national milk sanitation standards. pp. 17340-6
6. CULTURAL EXCHANGES. Passed with an amendment H. R. 8666, to provide for the improvement and strengthening of the international relations of the U. S. by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, after substituting the text of a similar bill, S. 1154. Conferees were appointed. p. 17365
7. SMALL BUSINESS. Passed with amendment H. R. 8762, the proposed Small Business Act Amendments of 1961, after substituting the text of similar bill, S. 836 as amended. Consideration of S. 836 was postponed indefinitely. Conferees were appointed. pp. 17317-34
8. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 970, to authorize the Secretary of the Interior to construct and maintain the Mid-State reclamation project, Nebr. (S. Rept. 884). p. 17288
9. MINERALS At the request of Sen. Byrd, S. 1747, to stabilize the mining of lead and zinc through Federal payments to domestic miners of lead and zinc ores and concentrates, was taken from the calendar and referred to the Finance Committee for consideration. p. 17295
10. FORESTRY. Sen. Neuberger urged enactment of legislation to provide for the establishment of a national wilderness areas preservation system. pp. 17316-7  
Sen. Neuberger urged enactment of legislation to provide for the establishment of an Oregon Dunes National Seashore, which would involve national forest lands, and inserted a report by the Committee for the Oregon Dunes favoring such legislation, "The Oregon Dunes and the Wise Decision." pp. 17314-6

a step. I do not think it is necessary at all.

I believe that, had we been a little more attentive to the problems of small business, particularly in this general area, we might have forced, by our weight, a more cooperative attitude between the three agencies mentioned. It has been my limited experience, in my own section of the country, that the three agencies have gotten along very well. We have found minor areas of discontent on the part of small businessmen; but, on the whole, they have been getting along fairly well. We cannot keep any firm in business by Government edict. Today, some of the largest aircraft manufacturers are suffering very badly because it has been the intent of present Defense policy to get out of airplanes and into missiles. This is the nature of the beast we call our economic system.

I close by expressing the hope that the Senator from Wisconsin will reconsider his resistance to this amendment and consider the containment of stronger language in the bill which would contain the feeling that I know we mutually agree upon and which would accomplish the same purpose the language of the bill intends to accomplish.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and ask that we proceed to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oregon [Mr. MORSE], and the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from New Mexico [Mr. CHAVEZ], are absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH], is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kansas [Mr. CARLSON] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is necessarily absent.

The result was announced—yeas 35, nays 55, as follows:

[No. 189]

YEAS—35

Aiken  
Allott  
Beall  
Bennett  
Bush  
Butler  
Byrd, Va.  
Case, S. Dak.  
Cotton  
Curtis  
Dirksen  
Dworshak

Engle  
Goldwater  
Gore  
Hickenlooper  
Holland  
Hruska  
Kuchel  
Lausche  
Long, Mo.  
Miller  
Morton  
Robertson

Russell  
Saltonstall  
Schoeppel  
Scott  
Smith, Mass.  
Smith, Maine  
Stennis  
Symington  
Thurmond  
Tower  
Williams, Del.

NAYS—55

Bartlett  
Bible  
Boggs  
Burdick  
Byrd, W. Va.  
Cannon  
Capehart  
Carroll  
Case, N. J.  
Church  
Clark  
Cooper  
Dodd  
Douglas  
Eastland  
Ellender  
Ervin  
Fong  
Gruening

Hart  
Hartke  
Hayden  
Hickey  
Hill  
Humphrey  
Jackson  
Javits  
Jordan  
Keating  
Kefauver  
Kerr  
Long, Hawaii  
Long, La.  
Magnuson  
Mansfield  
McCarthy  
McClellan  
McGee

McNamara  
Metcalf  
Monroney  
Moss  
Mundt  
Muskie  
Neuberger  
Pastore  
Pell  
Prouty  
Proxmire  
Smathers  
Sparkman  
Talmadge  
Wiley  
Yarborough  
Young, Ohio

NOT VOTING—10

Anderson  
Bridges  
Carlson  
Chavez

Fulbright  
Johnston  
Morse  
Randolph

Williams, N. J.  
Young, N. Dak.

So Mr. TOWER's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MILLER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. On page 8, line 20, following the period, it is proposed to insert the following:

*Provided further, That such program shall provide that in evaluating bids or in selecting contractors for negotiated contracts, the extensive use of subcontractors by a proposed contractor shall be considered a favorable factor.*

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. MILLER. Mr. President, the purpose of the amendment is to make clear what I am sure the intention of Congress has been for a number of years, but which I am afraid has not been implemented by the administrative agency. A number of small businessmen have felt that they are being discriminated against because prime contractors who do not enter into subcontracts to an appreciable extent are obtaining contracts, and that some evidence should be given on the part of the administration to the various administrative agencies that subcontracting is a desirable factor.

The bill as now written provides that a program shall not authorize the Administrator to prescribe the extent to which any contractor shall get into subcontracting, or the particular subcontractors. It is all negative. It seems to me desirable to have in the bill a positive

statement that a favorable factor will consist of the degree to which subcontractors are used by a prime contractor. It would not hamstring the administration at all.

I have discussed the subject with the Senator having the bill in charge, the able Senator from Wisconsin, and I understand that the amendment is acceptable to him.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MILLER. I am happy to yield for any questions.

Mr. PROXMIRE. I think the amendment is an excellent one. It would add something to the bill which the bill needs. As the Senator from Iowa has said, the amendment states the intention of Congress. It would help small business. The more subcontracting that is done by big prime contractors, the more opportunity small business subcontractors will have to take part in defense work. I commend the distinguished Senator from Iowa upon his amendment and I am happy to accept it.

Mr. CAPEHART. I think it is a good amendment. I know of no Senator on this side of the aisle who is opposed to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. RANDOLPH subsequently said: Mr. President, this legislation is vital to the effective operation of the Small Business Administration and to the small business segment of our country's economy. The diligent Senator from Wisconsin [Mr. PROXMIRE] has performed a real service in sponsoring and managing this measure. I commend him, along with the distinguished Senator from Alabama [Mr. SPARKMAN], who is chairman of the Select Committee on Small Business and ranking majority member of the Committee on Banking and Currency, and the able Senator from Indiana [Mr. CAPEHART], ranking minority member of the Committee on Banking and Currency. Their cosponsorship of S. 836 and their aggressive support likewise merit commendation.

As a member of the Select Committee on Small Business, and as a Member of the Congress with a continuing interest in the stimulation of independent business activity, I am aware of the need for improving the status and adequacy of the SBA revolving fund. This measure is most helpful in meeting that problem.

Then, too, the authorization for SBA to pool the amounts it can commit for its regular business loan program, its disaster loans, and its prime contract authority, without being subjected to the ceiling inhibitions presently contained in the Small Business Act, would be a further stimulant to the SBA revolving fund.

Perhaps no other feature of this legislation is more meritorious than its provision for the development by the Small Business Administration, the Department of Defense, and the General Services Administration of a small business subcontracting program. This is con-

sistent with the policy enunciated by the President to increase small business sharing in the defense procurement dollar and more independent business participation in general procurement. This is a vital need and one which has been too long neglected.

It is stimulating to find in still another provision of S. 836 an authority for the Secretary of Commerce to obtain notice of all proposed defense procurement actions of \$10,000 and above and all civilian procurement actions of \$5,000 and above, and to authorize their publication, subject to certain exceptions, in the "U.S. Department of Commerce Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards." This publication has been too limited in its scope and not sufficiently inclusive in its content and it is time that small businessmen be furnished more comprehensive information on what the Federal Government is purchasing.

It is a privilege to support this legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senate proceed to consider the bill H.R. 8762, coming over from the House of Representatives, a bill to amend the Small Business Act to increase the amount available for regular business loans thereunder.

The PRESIDING OFFICER. The bill will be stated by title.

The bill (H.R. 8762) to amend the Small Business Act to increase the amount available for regular business loans thereunder, was read twice by its title.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

There being no objection, the Senate proceeded to consider the bill.

Mr. PROXMIRE. Mr. President, I move to amend the bill (H.R. 8762) by striking out all after the enacting clause and inserting in lieu thereof the text of S. 836 as amended.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ROBERTSON, Mr. SPARKMAN, Mr. DOUGLAS, Mr. PROXMIRE, Mr. LONG of Missouri, Mrs. NEUBERGER, Mr. BEALL, Mr. BENNETT, Mr. JAVITS, and Mr. TOWER conferees on the part of the Senate.

Mr. PROXMIRE. Mr. President, I move that the Senate reconsider the vote by which H.R. 8762 was passed.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, S. 836 will be indefinitely postponed.

#### DEFINITION OF "PEANUTS"

Mr. HOLLAND. Mr. President, I have cleared with the leadership on both sides the matter of bringing up Calendar No. 725, H.R. 1021. This is a bill on which the distinguished junior Senator from New York [Mr. KEATING] interposed an objection when it was called on the call of the calendar earlier today. He advised me last night that he was withdrawing his objection. I have since cleared the matter with the leaders on both sides of the aisle. I know of no objection. The bill, H.R. 1021, would simply extend for 2 years the definition now in effect of "peanuts" under the Agricultural Adjustment Act of 1938. The Senate will recall that that includes the exemption of peanuts for boiling only, which has not interposed any difficulty.

I ask unanimous consent that the bill be called up at this time.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1021) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLAND. I know of no objection to the bill. I do not care to discuss it unless there are some questions concerning it.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. HOLLAND. I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to table was agreed to.

#### APPLICABILITY OF POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS OF 1957

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 840, S. 1528.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1528) to make the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 applicable to retired former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and the U.S. Secret Service; and to their widows, widowers, and children.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the amount of relief or retirement compensation payable to each officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, or the United States Secret Service Division who retired under section 12 of the Act approved September 1, 1916 (39 Stat. 718), as amended, prior to the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957, approved August 21, 1957, shall be increased 10 per centum beginning on the effective date of this Act.

SEC. 2. Each widow or child who, on or after the effective date of this Act, was receiving or is now receiving or shall hereafter be entitled to receive relief or annuity by reason of service in the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the White House Police force, or the United States Secret Service Division, of a deceased former officer or member who died in the service of any such organization prior to the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957, approved August 21, 1957 (71 Stat. 391), or who retired prior to such effective date, shall be entitled to benefits computed in accordance with the provisions of subsection (k) of section 12 of the Act approved September 1, 1916 (39 Stat. 718), as amended (sec. 4-531, District of Columbia Code, 1951 ed., supp. VIII).

SEC. 3. Nothing in this Act shall be deemed to reduce the relief or retirement compensation any person receives, or is entitled to receive, on the date of approval of this Act.

SEC. 4. The effective date of this Act shall be the first day of the first month following the date of its approval.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement relative to the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR MANSFIELD

The purpose of this bill is twofold; it will: (1) Provide a 10-percent increase of present annuity to those former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and the Secret Service, who retired prior to October 1, 1956; and

(2) Extend the benefits of the Policemen and Firemen's Retirement and Disability Act





Public Law 87-239  
87th Congress, H. R. 1021  
September 14, 1961



**An Act**

75 STAT. 512.

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957 (71 Stat. 344), as amended by the Act of September 22, 1959 (73 Stat. 642), is further amended by striking out "and" and by inserting after "1961" the following: ", 1962, and 1963".

Peanuts.  
Definition  
extended.

7 USC 1359  
note.

Approved September 14, 1961.

